

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

1. STATE OF OKLAHOMA, ex rel.)
W.A. DREW EDMONDSON, in his capacity as)
ATTORNEY GENERAL OF THE STATE OF)
OKLAHOMA and OKLAHOMA SECRETARY)
OF THE ENVIRONMENT C. MILES TOLBERT,)
in his capacity as the TRUSTEE FOR)
NATURAL RESOURCES FOR THE)
STATE OF OKLAHOMA,)

Plaintiffs,)

v.)

05-CV-0329 GKF-SAJ

1. TYSON FOODS, INC.,)
2. TYSON POULTRY, INC.,)
3. TYSON CHICKEN, INC.,)
4. COBB-VANTRESS, INC.,)
5. AVIAGEN, INC.,)
6. CAL-MAINE FOODS, INC.,)
7. CAL-MAINE FARMS, INC.,)
8. CARGILL, INC.,)
9. CARGILL TURKEY PRODUCTION, LLC,)
10. GEORGE'S, INC.,)
11. GEORGE'S FARMS, INC.,)
12. PETERSON FARMS, INC.,)
13. SIMMONS FOODS, INC., and)
14. WILLOW BROOK FOODS, INC.,)

Defendants.)

**CARGILL DEFENDANTS' UNOPPOSED MOTION FOR EXTENSION
OF TIME TO PROVIDE SUPPLEMENTAL BRIEFING IN SUPPORT OF
SANCTIONS AND MOTION FOR EXPEDITED CONSIDERATION**

Cargill, Inc. and Cargill Turkey Production, LLC (collectively "Cargill Defendants")
respectfully request this Court to grant an extension from October 11, 2007 until to business days
after the Court releases the transcript from the September 27, 2007 hearing to file a supplemental

brief in support of sanctions. The Cargill Defendants request expedited consideration of this Motion. In support of this Motion, the Cargill Defendants show the Court as follows:

- 1) On August 28, 2007, the Cargill Defendants moved for sanctions against Plaintiffs. *See* Dkt. 1252. One of the issues raised in the Cargill Defendants' Motion was the State's withdraw of its Rule 33(d) designations when supplementing their responses to certain Interrogatories;
- 2) At the hearing on September 27, 2007 before Magistrate Judge Joyner, the Court permitted the Cargill Defendants to provide supplemental briefing on this issue by October 11, 2007;
- 3) The Cargill Defendants seek additional time to review the Court's transcript from the hearing prior to filing a supplemental brief. The Cargill Defendants understand that the hearing transcript should be available in the near future and respectfully request that the Court extend the deadline for such supplemental briefing from October 11, 2007 until two business days after the hearing transcript is released;
- 4) Counsel for the Cargill Defendants have met and conferred with Counsel for the State who do not object to this request for an extension. Counsel for the Cargill Defendants and the State intend to met and confer again after the transcript is released and prior to the Cargill Defendants filing a supplemental brief; and
- 5) This Motion is not made for improper purpose or delay.

WHEREFORE, premises considered, the Cargill Defendants respectfully request this Court enter its Order granting the Cargill Defendants an extension from October 11, 2007 until two business days after the Court releases the transcript from the September 27, 2007 hearing to file a supplemental brief in support of sanctions. The Cargill Defendants respectfully makes its request for expedited consideration of this motion.

Respectfully submitted,

RHODES, HIERONYMUS, JONES,
TUCKER & GABLE, PLLC

BY: s/ Theresa Noble Hill (OBA #19119)
JOHN H. TUCKER, OBA #9110
COLIN H. TUCKER, OBA #16325
THERESA NOBLE HILL, OBA #19119
100 W. Fifth Street, Suite 400 (74103-4287)
P.O. Box 21100
Tulsa, Oklahoma 74121-1100
Telephone: 918/582-1173
Facsimile: 918/592-3390

And
DELMAR R. EHRICH
DARA D. MANN
FAEGRE & BENSON LLP
2200 Wells Fargo Center
90 South Seventh Street
Minneapolis, Minnesota 55402
Telephone: 612/766-7000
Facsimile: 612/766-1600

ATTORNEYS FOR CARGILL, INC. AND
CARGILL TURKEY PRODUCTION LLC

CERTIFICATE OF SERVICE

I certify that on the 10th day of October, 2007, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

W. A. Drew Edmondson, Attorney General
Kelly Hunter Burch, Assistant Attorney General
J. Trevor Hammons, Assistant Attorney General
Robert D. Singletary
Daniel Lennington, Assistant Attorney General

drew_edmondson@oag.state.ok.us
kelly_burch@oag.state.ok.us
trevor_hammons@oag.state.ok.us
Robert_singletary@oag.state.ok.us
Daniel.lennington@oag.ok.gov

Douglas Allen Wilson
Melvin David Riggs
Richard T. Garren
Sharon K. Weaver
Riggs Abney Neal Turpen Orbison & Lewis

doug_wilson@riggsabney.com
driggs@riggsabney.com
rgarren@riggsabney.com
sweaver@riggsabney.com

Robert Allen Nance
Dorothy Sharon Gentry
Riggs Abney

rnance@riggsabney.com
sgentry@riggsabney.com

J. Randall Miller
David P. Page
Louis W. Bullock
Miller Keffer & Bullock

rmiller@mkblaw.net
dpage@mkblaw.net
lbullock@mkblaw.net

William H. Narwold
Elizabeth C. Ward
Frederick C. Baker
Lee M. Heath
Motley Rice

bnarwold@motleyrice.com
lward@motleyrice.com
fbaker@motleyrice.com
lheath@motleyrice.com

COUNSEL FOR PLAINTIFFS

Stephen L. Jantzen
Patrick M. Ryan
Paula M. Buchwald
Ryan, Whaley & Coldiron, P.C.

sjantzen@ryanwhaley.com
pryan@ryanwhaley.com
pbuchwald@ryanwhaley.com

Mark D. Hopson
Jay Thomas Jorgensen
Timothy K. Webster
Sidley Austin LLP

mhopson@sidley.com
jjorgensen@sidley.com
twebster@sidley.com

Robert W. George
Michael R. Bond
Kutack Rock LLP

robert.george@kutackrock.com
michael.bond@kutackrock.com

**COUNSEL FOR TYSON FOODS, INC., TYSON POULTRY, INC., TYSON CHICKEN, INC.;
AND COBB-VANTRESS, INC.**

R. Thomas Lay
Kerr, Irvine, Rhodes & Ables

rtl@kiralaw.com

Jennifer S. Griffin
Lathrop & Gage, L.C.

jgriffin@lathropgage.com

COUNSEL FOR WILLOW BROOK FOODS, INC.

Robert P. Redemann
Lawrence W. Zeringue
David C. Senger
Perrine, McGivern, Redemann, Reid, Berry & Taylor, PLLC

rredemann@pmrlaw.net
lzingue@pmrlaw.net
dsenger@pmrlaw.net

Robert E. Sanders
E. Stephen Williams
Young Williams P.A.

rsanders@youngwilliams.com
steve.williams@youngwilliams.com

COUNSEL FOR CAL-MAINE FOODS, INC. AND CAL-MAINE FARMS, INC.

George W. Owens
Randall E. Rose
The Owens Law Firm, P.C.

gwo@owenslawfirmmpc.com
rer@owenslawfirmmpc.com

James M. Graves
Gary V. Weeks
Bassett Law Firm

jgraves@bassettlawfirm.com

COUNSEL FOR GEORGE'S INC. AND GEORGE'S FARMS, INC.

John R. Elrod
Vicki Bronson
Bruce W. Freeman
Conner & Winters, LLLP

jelrod@cwlaw.com
vbronson@cwlaw.com
bfreeman@cwlaw.com

COUNSEL FOR SIMMONS FOODS, INC.

A. Scott McDaniel
Nicole M. Longwell
Philip D. Hixon
Joyce, Paul & McDaniel, PC

smcdaniel@mhla-law.com
nlongwell@mhla-law.com
phixon@mhla-law.com

Sherry P. Bartley
Mitchell Williams Selig Gates & Woodyard
COUNSEL FOR PETERSON FARMS, INC.

sbartley@mws gw.com

Michael D. Graves
Dale Kenyon Williams, Jr.

mgraves@hallestill.com
kwilliams@hallestill.com

COUNSEL FOR CERTAIN POULTRY GROWERS

I also hereby certify that I served the attached documents by United States Postal Service, proper postage paid, on the following who are not registered participants of the ECF System:

C. Miles Tolbert
Secretary of the Environment
State of Oklahoma
3800 North Classen
Oklahoma City, OK 73118
COUNSEL FOR PLAINTIFFS

Thomas C. Green
Sidley Austin Brown & Wood LLP
1501 K Street NW
Washington, DC 20005
**COUNSEL FOR TYSON FOODS, INC., TYSON
POULTRY, INC., TYSON CHICKEN, INC.; AND
COBB-VANTRESS, INC.**

s/ Theresa Noble Hill (OBA #19119)